



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C44  
Serial No.: 09/997,428 Group Art Unit: 1647  
Filing Date: November 15, 2001 Examiner: Hamud, Fozia  
For: PRO1245 POLYPEPTIDES  
EXPRESS MAIL LABEL NO.: EL 993 689 029 US  
MAILING DATE: August 13, 2004

**INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. §1.97**

**MS: Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
  - ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

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☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39780-2730P1C44).

Respectfully submitted,

Dated: August 13, 2004

By: Daphne Reddy  
Daphne Reddy, Ph.D.  
Reg. No. 53,507

**HELLER EHRMAN WHITE & MCAULIFFE LLP**

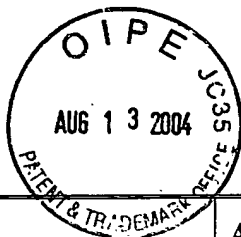
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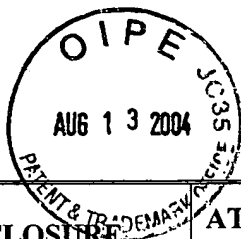
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INFORMATION DISCLOSURE STATEMENT			ATTY. DOCKET NO.: 39780-2730P1C44		SERIAL NO.: 09/997,428		
PTO-1449			APPLICANT : Avi Ashkenazi, et al.				
			FILING DATE: November 15, 2001		GROUP: 1645		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
↓	Dayhoff, Accession No.: P_AAB65280, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J., et al.						
	Dayhoff Accession No.: P_AAY44458, WO 9960160-A1, Pub Date: November 25, 1999, Yang, F., et al.						
✓	Dayhoff Accession No.: P_AAY66757, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K., et al.						
	Dayhoff Accession No.: P_AAY87288, WO 200000610-A2, Pub Date: January 6, 2000, Lal, P., et al.						
	Dayhoff Accession No.: AAL26217.1, Direct Submission, Submitted: October 16, 2000, Niimi, T., et al.						
✓	Dayhoff Accession No.: P_AAW75868, WO 9833926-A1, Pub Date: August 6, 1998, Billing-Medel, P.A., et al.						
	Dayhoff Accession No.: AAK82942.1, Direct Submission, Submitted: June 15, 2001, Polyak, K., et al.						
	Dayhoff Accession No.: NP_443095.1, Proc. Natl. Acad. Sci. U.S.A., 98 (17), pp. 9796-9801, 2001, Krop, I.E., et al.						
↓	GenBank, Accession No.: P_AAZ65103, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K., et al.						
↓	GenBank, Accession No.: P_AAF44249, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J., et al.						
✓	GenBank, Accession No.: AX201348, WO 0153486-A, Pub Date: July 26, 2001, Ashkenazi, A.J., et al.						
✓	GenBank, Accession No.: P_AAZ29723, WO 9960160-A1, Pub Date: November 25, 1999, Yang, F., et al.						
✓	GenBank, Accession No.: P_AAZ98173, WO 200000610-A2, Pub Date: January 6, 2000, Lal, P., et al.						
✓	GenBank, Accession No.: P_AAV54621, WO 9833926-A1, Pub Date: August 6, 1998, Billing-Medel, P.A., et al.						
✓	GenBank, Accession No.: P_AAV54620, WO 9833926-A1, Pub Date: August 6, 1998, Billing-Medel, P.A., et al.						
✓	GenBank, Accession No.: AF086152, Direct Submission, Submitted: August 24, 1998, Woessner, J., et al.						
✓	GenBank, Accession No.: AY040564, Direct Submission, Submitted: June 15, 2001, Krop, I.E., et al.						

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		<b>ATTY. DOCKET NO.:</b> 39780-2730P1C44		<b>SERIAL NO.:</b> 09/997,428			
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		<b>FILING DATE:</b> November 15, 2001		<b>GROUP:</b> 1645			
<b>U.S. PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>	
<b>FOREIGN PATENT DOCUMENTS</b>							
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						<b>YES</b>	<b>NO</b>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	Hanna, J.S., et al., "HER-2/neu Breast Cancer Predictive Testing", Oathology Associates Medical Laboratories, August (1999).						
	Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", <i>Cancer Research</i> 62 6240-6245, November (2002).						
	Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular &amp; Cellular Proteomics</i> 1:37-45, (2002).						
	Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).						
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>				

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